

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BRYAN F. JENNER,)	CASE NO. C07-0550-MAT
)	
Plaintiff,)	
)	
v.)	ORDER RE: DEFENSE COUNSEL'S
)	MOTION FOR LEAVE TO
DE LOS SANTOS CONSTRUCTION, INC.,)	WITHDRAW
et al.,)	
)	
Defendants.)	
_____)	

Counsel for defendants submitted an amended motion for leave to withdraw from representation of defendants De Los Santos Construction, Inc., Nani A. Fischer, and Amelia De Los Santos-Garza. (Dkt. 16.) This request is unopposed. Having considered the amended motion, along with the remainder of the record, the Court finds and concludes as follows:

(1) Defense counsel attests to repeated unsuccessful attempts at contact with all three defendants by telephone, mail, and email. Defense counsel certifies that, pursuant to Local General Rule 2(g)(4)(B), she twice advised defendants by letter that De Los Santos Construction, Inc., as a corporation, is required by law to be represented by counsel and that failure to obtain replacement counsel by the date the withdrawal is effective may result in dismissal of its claims for failure to prosecute and/or entry of default judgment. (*See* Dkt. 16, Exs.1-9.) To date, defendants have not responded to any of defense counsel's attempts to communicate. Defense counsel argues that continued representation of defendants would be ineffective without the cooperation of her

01 clients and would pose a significant financial hardship. The Court finds this reasoning persuasive
02 and, accordingly, hereby GRANTS defense counsel's request for leave to withdraw.

03 (2) In granting defense counsel's motion to withdraw, the Court now questions
04 whether an entry of default judgment should be entered against any or all three of the named
05 defendants. The discovery and dispositive motion deadlines in this case expired as of April 28,
06 2008 and May 27, 2008 respectively. (Dkt. 11.) The parties were to have held a Civil Rule
07 39.1(c)(2) settlement conference by June 30, 2008 and the July 21, 2008 deadline for a Civil Rule
08 39.1(c)(3) mediation is fast approaching. (*Id.*) There has been no documented activity in this case
09 since the parties submitted their Joint Status Report on November 14, 2007. (Dkt. 9.) As such,
10 the Court hereby ORDERS defendants to show cause why a default judgment should not be
11 entered against them in this matter for failure to defend pursuant to Federal Rule of Civil
12 Procedure and Local Civil Rule 55. Defendants must respond to this Order on or before **August**
13 **1, 2008.**

14 (3) The Clerk shall send a copy of this Order to plaintiff, counsel for defendants, and
15 to all three named defendants at their last known addresses: (1) De Los Santos Construction, Inc.,
16 P.O. Box 1469, North Bend, WA 98045; (2) Nani A. Fischer, 444 SE Maple Dr., North Bend,
17 WA 98045; and (3) Amelia De Los Santos-Garza, 444 SE Maple Dr., North Bend, WA 98045.

18 DATED this 15th day of July, 2008.

19 
20 Mary Alice Theiler
21 United States Magistrate Judge
22